

**IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION**

**CIVIL ACTION: 01-CV-12257-PBS
03-CV-10216-PBS**

Judge Patti B. Saris

WHEREAS Merck & Co., Inc. (“Merck”) was named as a defendant when the complaint in *Congress of California Seniors v. Abbott Laboratories, et al.* (the “CCS Action”) was originally filed in the Superior Court of the State of California on September 24, 2002; and

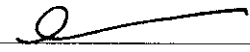
WHEREAS the Amended Master Consolidated Class Action Complaint in MDL 1456, dated June 12, 2003, does not name Merck as a defendant;

STIPULATED AND AGREED, by and between the undersigned counsel for plaintiffs in the CCS Action and counsel for Merck, that the Complaint in the CCS Action be and, subject to

the order of the Court, hereby is dismissed as to Merck, without prejudice, each party to bear its own costs.

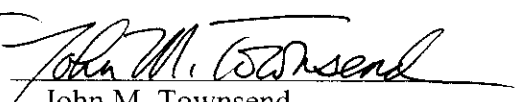
Dated: July 2, 2003

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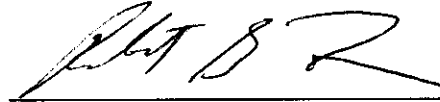
Attorneys for Defendant Merck & Co., Inc.

SO ORDERED this ____ day
of July, 2003:

U.S.D.J.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Stipulation and Order of Dismissal Of Defendant Merck & Co., Inc. was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on July 7, 2003 a copy to Verilaw Technologies, Inc. for posting and notification to all parties.



Robert B. Funkhouser